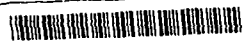


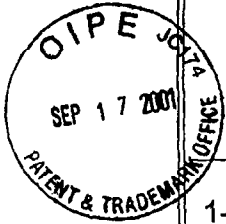
TTAB



09-17-2001

U.S. Patent & TMO/TM Mail Rpt Dt. #70

Attorney Docket: 07133.8050



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Inter-partes

1-800-PLUMBER, INC.,

Petitioner,

v.

BETH ELLEN CLINE,

Registrant.

Cancellation No. 27,133 and 27,054

ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, Virginia 22202-3513

ATTN: BOX TTAB NO FEE

2000 DEC 20

CONSENTED MOTION TO EXTEND DISCOVERY UNDER RULE 56(f)
AND TO RESPOND TO SUMMARY JUDGMENT MOTION

On December 5, 2000, the Board issued an Order that (a) required Registrant to serve any remaining discovery within thirty (30) days of the mailing date of that Order (i.e., until January 4, 2001) and (b) provided Petitioner thirty days thereafter (i.e., until February 3, 2001) to complete its 56(f) discovery, including a previously noticed deposition of Registrant, and to file its response to Registrant's summary judgment motion.

Since the issuance of that Order, the parties have been working to schedule Ms. Cline's deposition, but, as detailed in the prior extension requests, have not been successful. Most recently, in early June, Ms. Cline was hospitalized and was not released from the hospital until July 3, 2001. Her deposition scheduled for June 8, 2001 was cancelled as a result. According to her counsel, Victor Serby, Ms. Cline has not

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been in condition to be deposed since her July 3, 2001 release from the hospital, but he has indicated that she should be in condition to be deposed in November 2001. The parties are working to schedule dates for Ms. Cline's deposition in November.

Accordingly, the parties request at this time that the Board grant a further sixty (60) day extension of time, to and including November 15, 2001, of the current deadline for the completion of discovery and for Petitioner to file its response to Registrant's motion for summary judgment in Cancellation No. 27,133. In a letter dated September 8, 2001 from Mr. Serby to the undersigned counsel for 1-800-Plumber, Inc., Mr. Serby consented to the sixty (60) day extension of time.

This request is for good cause and is not filed for the purpose of mere delay, and favorable consideration is requested.

Respectfully submitted,

1-800-PLUMBER, INC.

Dated: September 17, 2001

By: 

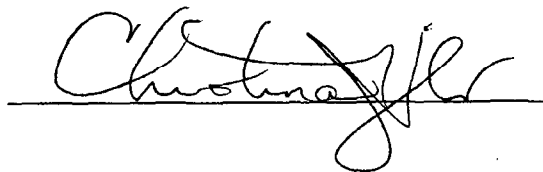
David M. Kelly
Christina J. Hieber
Attorneys for Petitioner

200513_1.DOC

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing CONSENTED MOTION TO
EXTEND DISCOVERY UNDER RULE 56(f) AND TO RESPOND TO SUMMARY
JUDGMENT MOTION was served on September 17, 2001 by first class mail, postage
prepaid, on the following attorney for Registrant:

Victor M. Serby, Esq.
350 Fifth Avenue – Suite 6307
Empire State Building
New York, New York 10118

A handwritten signature in cursive script, appearing to read "Christopher J. Heller", is written over a horizontal line.